

## UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT OF 2001

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APRIL 9, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

### R E P O R T

together with

### ADDITIONAL VIEWS

[To accompany H.R. 3480]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3480) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 3480 is to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin.

#### BACKGROUND AND NEED FOR LEGISLATION

Nutrient runoff and soil erosion in the Upper Mississippi River Basin (UMRB) account for the loss of more than \$300 million annually in applied nitrogen and the degradation of valuable agricultural lands. Excess nutrients degrade water quality, increasing costs for treating drinking water and threatening fish and wildlife resources that support the Basin's economically significant recreation and tourism industries. The UMRB contributes 22 percent of the water flowing into the Lower Mississippi River, yet it contributes 31 percent of the nitrogen. These excess nutrients have been linked to degraded water quality and oxygen depletion in the Gulf

of Mexico. Sediment accumulates in the main shipping channel of the Mississippi River, resulting in over \$100 million each year of dredging costs. Sediment also fills wetlands and backwaters throughout the entire Mississippi River Basin, resulting in habitat loss.

The need for enhanced sediment and nutrient monitoring in the UMRB is widely recognized. State and federal agencies participating in the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force have called for increasing the scale and frequency of monitoring of the sources of nutrients and conditions of waters throughout the Basin. At present, there is inadequate scientific data on the amounts and sources of sediments and nutrients flowing into the UMRB. Local, state, and federal water quality monitoring and modeling efforts are not sufficiently coordinated or standardized.

Relying on existing federal, state and local programs, the bill establishes a sediment and nutrient monitoring network and an integrated computer-modeling program. These monitoring and modeling efforts will provide the baseline data needed to make scientifically-sound and cost-effective decisions aimed at improving water quality, restoring habitat, and improving voluntary management practices by landowners. The bill also contains a provision requiring landowner permission prior to disseminating information from monitoring stations located on private lands to protect privacy of the individual landowners.

The U.S. Geological Survey (USGS) will be responsible for establishing the sediment and nutrient monitoring network, utilizing existing and newly established gages and monitoring stations. USGS will develop guidelines and an electronic system for data collection and storage. Using this data, USGS will also create computer models to assess sediment and nutrient sources, mobilization, and transport. Supplementary information on land use, soil use, elevation, and nutrient reduction efforts will also be collected in a GIS format to accompany the modeling work. The findings of the monitoring network and the modeling system will be used to assist with the implementation of public and private sediment and nutrient reduction efforts.

This bill also provides for the National Research Council of the National Academy of Sciences to conduct a comprehensive water resources assessment of the Upper Mississippi River Basin.

#### COMMITTEE ACTION

H.R. 3480 was introduced on December 13, 2001 by Congressman Ron Kind (D-WI), and was referred to the Committee on Resources. On December 19, 2001, it was referred within the Committee to the Subcommittee on Water and Power. A Subcommittee hearing was conducted on March 7, 2002. On March 20, 2002, the Full Resources Committee met to consider the bill. By unanimous consent, the Subcommittee was discharged from further consideration of the measure. There were no amendments offered to the bill, and the bill was then ordered favorably reported to the House of Representatives by unanimous consent.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. H.R. 3480 authorizes an appropriation of \$6.25 million a year, and according to the Congressional Budget Office, if implemented, would cost \$31 million over the fiscal 2003–2007 period.

3. General Performance Goals and Objectives. The general performance goals and objectives of this legislation, as ordered reported, is to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, April 4, 2002.*

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3480, the Upper Mississippi River Basin Protection Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julie Middleton.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 3480—Upper Mississippi River Basin Protection Act of 2001*

H.R. 3480 would establish a sediment and nutrient monitoring network as part of the Upper Mississippi River Stewardship Initiative. This new monitoring network would identify and evaluate significant sources of sediment and nutrients in the Upper Mississippi River watershed. H.R. 3480 would authorize the Secretary of the Interior, through the U.S. Geological Survey, to establish guidelines for data collection, storage, and analysis—as well as the integration of the new data into current monitoring programs and coordination with other public and private monitoring programs. In addition, the bill would authorize the National Research Council of the National Academy of Sciences to conduct a comprehensive water resources assessment of the Upper Mississippi River watershed.

The bill would authorize the appropriation of \$6.25 million a year to implement its provisions, plus additional amounts for the required report. CBO estimates that implementing H.R. 3480 would cost \$31 million over the 2003–2007 period, assuming appropriation of the authorized amounts. CBO assumes that most of these funds would be allocated for salaries and expenses related to developing, implementing, and maintaining the new monitoring network. H.R. 3480 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3480 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Any costs incurred by state or local governments to participate in the program authorized by this bill would be voluntary.

The CBO staff contact for this estimate is Julie Middleton. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

## PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any state, local or tribal law.

## CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

## ADDITIONAL VIEWS

I applaud the Committee for its diligent work in approving H.R. 3480. In particular, I would like to thank Chairman Hansen and Ranking Member Rahall, as well as Subcommittee on Water and Power Chairman Calvert and Subcommittee Ranking Member Smith, for their willingness to consider this legislation.

The Upper Mississippi River system, whose tributaries and basin encompass much of Wisconsin, Minnesota, Iowa, Illinois, and Missouri, is widely recognized as one of our nation's great multi-use natural resources. While the Mississippi River and its tributaries provide drinking water to approximately 22 million Americans, the system's 1,300 navigable miles transport millions of tons of commercial cargo via barges. In addition, 40% of North America's waterfowl use the wetlands and backwaters of the main stem as a migratory flyway, illustrating the environmental significance of the system as well as recreation capabilities. Overall, the Upper Mississippi River Basin provides \$1.2 billion annually in recreation income and \$6.6 billion to the area's tourism industries.

Unfortunately, high sediment and nutrient levels threaten the health of the river system and the vast recreational, agricultural, and industrial activities it supports. Sediment fills the main shipping channel of the Upper Mississippi and Illinois Rivers, costing over \$100 million each year to dredge. Nutrient inputs degrade water quality in the Upper Mississippi River system and impact far downstream to the Gulf of Mexico.

As a basis for making effective decisions for improving water quality, accurate data must be available. Building the nutrient and sediment monitoring system that provides this data will require extensive communication and coordination between government agencies at the federal, state, and local levels, as well as other stakeholders. By utilizing existing monitoring programs to the maximum extent possible, H.R. 3480 builds upon existing efforts by authorizing the U.S. Geological Survey (USGS) to coordinate and integrate these efforts, expand where necessary, develop guidelines for data collection and storage, and establish an electronic database system to store and disseminate information. USGS would also establish a state-of-the-art computer modeling program to identify significant nutrient and sediment sources, at the subwatershed level, to better target reduction efforts. In addition, H.R. 3480 includes strong protections for the privacy of personal data collected and used in connection with monitoring and modeling activities.

The need for accurate and comprehensive data collection is essential to addressing the problems of the Upper Mississippi River Basin. In crafting this strategy, I have worked with farmers, the navigation industry, sporting groups, environmental organizations, and government agencies throughout the region. In addition, this legislation has 16 original, bipartisan cosponsors.

While focused in the Upper Mississippi River Basin, the benefits of the programs authorized in this bill would extend far beyond the five-state region, because nutrients and sediments from the upper Midwest have impacts all the way down the Mississippi and into the Gulf of Mexico. Moreover, this approach can be seen as a pilot for future watershed and basin initiatives in other parts of the nation.

H.R. 34380 recognizes the need for scientific research on a sub-basin scale, enables sensible and effective strategies to be developed, and ensures that more local and regional support will be gained for those efforts. The sub-basin approach of H.R. 3480 also fits with the recommendations of the federal interagency Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, released in a report to Congress on January 18, 2001.

In the "Action Plan for Reducing, Mitigating, and Controlling Hypoxia in the Northern Gulf of Mexico," the Task Force notes that water quality throughout the Mississippi River Basin has been degraded by excess nutrients, and that most states in the basin have significant river miles impaired by high nutrient concentrations that can be a human health hazard. The Action Plan also outlines a series of short- and long-term goals, including sub-basin coordination and implementation of sediment and nutrient reduction efforts, and expanding existing monitoring and modeling efforts to identify additional management actions to help mitigate nitrogen losses to the Gulf.

A number of states have also weighed in on the need to increase monitoring and modeling efforts throughout the Upper Mississippi River Basin. In an October 23, 2001, letter to Bush Administration officials, six Governors of states bordering the Mississippi River wrote that "\* \* \* a monitoring effort conducted jointly by the U.S. Geological Survey and the states is required within the basin to determine the water quality effects of the actions taken and to measure the success of efforts on a sub-basin and project level."

This letter illustrates the need for H.R. 3480 and the broad support it has received. Water quality problems in the Mississippi River Basin cross traditional state and administrative boundaries. Solving these problems requires a coordinated and cooperative approach between the federal, state, and local agencies and groups working throughout the region. H.R. 3480 represents a common-sense move toward building the scientific foundation necessary to remedy nutrient and sediment problems in the region, and I urge my colleagues to support this measure when it reaches the House floor.

RON KIND.